

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings include changes to Figs. 1-4. These sheets, which include Figs. 1-4, replace the original sheets including Figs. 1-4. In Figs. 1-4, various reference numerals have been changed, as have figure legends.

Attachment: Replacement Sheets (3)

**REMARKS**

The office action of August 25, 2008, has been carefully considered.

It is noted that the drawings are objected to on various grounds.

Claims 17-22 are rejected under 35 U.S.C. 112, second paragraph.

Claims 17-19, 21 and 22 are rejected under 35 U.S.C. 102(b) over the patent to Haspert, et al.

Claim 20 is rejected under 35 U.S.C. 103(a) over Haspert et al. in view of the patent to Akesaka.

Finally, it is noted that claims 1-16 are allowed.

In connection with the Examiner's objections to the drawings, applicant has canceled claim 22, amended the drawings to include new reference numerals, and amended the specification to include the new reference numerals.

In view of these considerations it is respectfully submitted that the objections to the drawings are overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claim 22 and amended claims 17-21.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 17-22 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

The patent to Haspert et al. discloses an oscillating tunneling machine. At column 2, line 66 through column 3, line 3 Haspert et al. state that it is known to replace a rotary driven bore head with an oscillating excavation means having forwardly directed cutters. In contrast to the Examiner's position, Haspert et al. do not have a rotationally driven bore head.

Instead, cutters 306, 308 are provided, which oscillate in a common plane transverse to the longitudinal axis of the tunneling machine (see column 15, lines 33-37). Synchronization of the oscillation movement in the direction of the longitudinal axis is accomplished by feed means 314 (see column 15, lines 39-47).

Thus, the cutters 306, 308 do not execute a wobbling movement as recite in claim 17 presently on file. Furthermore, without this wobbling movement the drilled material cannot be mechanically transported into the conveying line by reason of the wobbling movement of the drill head, as in the presently claimed invention.

Additionally, Haspert et al. does not disclose a drill head that has, on its side remote from the rock face, at least one continuation which at least virtually penetrates the receiving end of the conveying line by virtue of the wobbling movement. Instead, Haspert et al., at column 17, lines 26-28, disclose cutting elements 352 mounted "on the front sides of the cutter spokes 342". Thus, Haspert et al. do not disclose the subject matter recited in claim 18.

Haspert et al. also do not disclose means for reducing the size at least of large pieces of drilled material, which reducing means is provided in the region adjoining the receiving end of the conveying line, as recited in claim 19.

In view of these considerations it is respectfully submitted that the rejection of claims 17-19, 21 and 22 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Furthermore, Akasaka adds nothing to Haspert et al. so as to suggest the present invention. Therefore, it is respectfully

**FI-54**

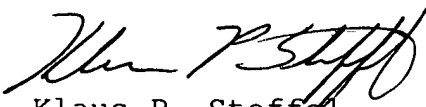
submitted that the rejection of claim 20 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By

  
Klaus P. Stoffel  
Reg. No. 31,668  
For: Friedrich Kueffner  
Reg. No. 29,482  
317 Madison Avenue, Suite 910  
New York, New York 10017  
(212) 986-3114

Dated: November 25, 2008

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on November 25, 2008.

By:

  
Klaus P. Stoffel

Date: November 25, 2008